REMARKS

Upon entry of this amendment, claims 1-18 and 33-49 will be pending.

U.S. Patent No. 6,011,243 (Arnold et al.; previously cited as reference 63 in applicant's Second Supplemental IDS filed April 15, 2005) discloses a holding cabinet with variable-temperature heater plates 18a, 18b for delivering heat to pre-cooked food in trays 16 to maintain the temperature of the food. There is no specific disclosure of the distance between the heater plates and the food.

Claim 1 is amended to further specify the heat source as an infrared heat source selected from the group of (i) ceramic infrared heat source, (ii) halogen infrared heat source, (iii) quartz infrared heat source, and (iv) infrared heat lamp. Unlike the Arnold et al. unit, which is essentially a "heated box" design, applicant's infrared heat source transmits intense infrared heat energy to the food without the use of heater plates.

All of the pending claims now specify an infrared heat source.

Claims 2 and 3, depending either directly or indirectly from claim 1, are further amended to emphasize that applicant's control mechanism is programmed to operate the at least one infrared heat source in successive time-based cycles, which avoids the need for a temperature feedback loop as used by Arnold et al.

Claim 7 depends from claim 1 and is amended to specify a glass panel positioned between the at least one infrared heat source and the pre-cooked food.

Claims 42 and 43, depending either directly or indirectly from claim 33, are added to emphasize that applicant's control mechanism is programmed to operate the at least one infrared heat source in successive time-based cycles, as noted above.

Claim 44 depends from claim 33 and is added to cover a specific embodiment, i.e., one where a glass panel is positioned between the infrared heat source and the pre-cooked food.

Claims 45-47 are added to emphasize that applicant's control mechanism is programmed to operate the at least one infrared heat source in successive time-based cycles.

Claims 48 and 49 are also added. Claim 48 is similar to claim 1 except that the group of infrared heat sources includes a resistance heating element embedded in magnesium oxide. The claim also specifies that the infrared heat source delivers infrared heat energy directly to the food. Arnold et al. do not describe how the heater plates 18a, 18b are heated (only that any wellknown heater elements can be used), but even is resistant elements are used, those elements would not deliver heat directly to the food. Rather, those elements would be used to heat the heater plates, and the heater plates would then deliver heat to the food (i.e., a "heated box" arrangement).

CONCLUSION

The Commissioner is also authorized to charge any deficiency and credit any overpayment to Deposit Account No. 19-1345.

It is not clear from PAIR that applicant's Amendment Under Rule 1.312, filed June 8, 2005, was entered. Applicant requests that entry of this amendment be confirmed.

In view of the foregoing, favorable consideration and allowance of the application is requested.

Respectfully submitted,

Michael E. Godar, Reg. No. 28,416
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

MEG/bcw